

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

LYNNE FREEMAN,

Plaintiff,

v.

TRACY DEEBS-ELKENANEY P/K/A  
TRACY WOLFF, et al.,

Defendants.

Civil Action No.: 1:22-cv-02435-LLS-SN

**NOTICE OF ERRATA**

TO THE HONORABLE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF  
RECORD:

PLEASE TAKE NOTICE THAT Plaintiff Lynne Freeman hereby provides Notice of  
Errata regarding the following filings connected to her motion for summary judgment:

- 1) Her Notice of Motion (Dkt. 274) erroneously stated that she was seeking “summary judgment in favor of Plaintiff pursuant to Fed. R. Civ. P. 56 with respect to the cause of action contained in the Complaint” when it should have stated that she was seeking “summary judgment in favor of Plaintiff pursuant to Fed. R. Civ. P. 56 with respect to the copyright infringement causes of action (Counts V, VI and VII) contained in the Complaint.” A Corrected Notice of Motion is filed herewith.
- 2) Her Rule 56.1 Statement of Undisputed Material Facts in Support of Plaintiff’s Motion for Summary Adjudication, filed on November 22, 2023 under allocated Docket Nos. 280 and 281 (the “Separate Statement”) was inadvertently filed without a signature block. Thus, Plaintiff hereby files an amended Separate Statement both publicly and under seal.

- 3) Her Rule 56.1 Statement of Undisputed Material Facts also contains the following errors, which unfortunately resulted from Mrs. Freeman's limited availability prior to filing, owing to her health issue limitations, to review the SSUF and ensure it was fully accurate and consistent with her declaration and indices:
- a. SSUF 97 erroneously states "On the first day of school she meets the romantic lead..." As set forth in the referenced Freeman Declaration, the heroine meets the romantic lead at the end of chapter two in both works, which is the first school day in the story (but not the first day of school).
  - b. SSUF 108 includes a referent to the Vampire Prince's friend" that should have been to the "Vampire Prince's mate." Also, the words "and is the root of Heroine's anxiety and panic attacks" at the end of the last sentence should be deleted as they reflect a misunderstanding of counsel, not the Freeman Declaration or evidence.
  - c. SSUF 110 erroneously states: "The reason the Heroine believes she is human at first is largely due to the fact her family has been giving her a special tea that binds her powers. Freeman Decl. ¶ 30, Exh. 38 (Heroine Character Index, ¶¶ 113-116). In both Works, herbal tea is used to bind the Heroine's powers and the same tea is described – lemon thyme tea." Those sentences should read: "The reason the heroine believes that she is human at first, is because she has been kept ignorant of the supernatural world and what she truly is by her family. In both Works, herbal tea is used to bind the Heroine's powers. Separately, both works reference lemon verbena tea." The latter reflects the Freeman declaration and the evidence.

- d. SSUF 111 erroneously states: “The Heroine is the first of her kind in 1000 years (*Crush*) or ten generations (BMR).” Consistent with the Freeman Declaration, this should read: “The heroine is the most powerful of her kind born in ten generations (BMR), the first of her kind born in a thousand years (Crave series).” And the reference to the Heroine discovering that she is “Thrice born Nyx” (BMR) / “three-fold supernatural creature” (Crave) should not cite to the Freeman Declaration but to the report of Kathryn Reiss.
- e. SSUF 120 erroneously identified the “Abomination” as being from *Crave* and the “Unkillable Beast” as being from BMR. It is the opposite, as correctly reflected in the Villian Character Index.
- f. SSUF 132 erroneously states that “[t]he Heroine visits Voice 1 through a portal on an island.” Per the First Voice Inside Heroine’s Head Index, the heroine visits Voice 1 and she goes through a portal in order to get to him, which is what this SSUF should have stated (in BMR, her grandmother drops her through the portal. In Crave series, her cousin makes a portal and takes them to a forest and from there they fly to the island).
- g. SSUF 133 erroneously starts: “Voice 1 shrieks (BMR) / screams (Crush). In fact, Voice 1 screams in both works.
- h. SSUF 135 erroneously states that “voice 1 lives in clans and speaks telepathically to their kinds, and the Heroine initially meets him in his supernatural form on an island through a portal” but should simply state that “voice 1 can communicate telepathically with their kind.” References to Voice 1 living in clans were included in error, and heroine goes through a portal in

order to get to him (in BMR, her grandmother drops her through the portal). In Crave series, her cousin makes a portal and takes them to a forest and from there they fly to the island).

- i. SSUF 141 states that “Romantic Lead 2 is tied to the Heroine, and he is her true mate.” Consistent with the Freeman Declaration and Second Voice Index this should read that “Romantic Lead 2 is tied to the Heroine, and he is to be her true mate (BMR), is her true mate (*Crave Series*).”
- j. The last sentence of SSUF 148 which reads “The romantic lead comes to rescue her but she ends up saving his life” should read: “The romantic lead rescues the heroine by breaking the door down (BMR), breaking the wall and the door down (Crave) which makes a loud “shuddering sound.” He saves her life and she saves his as well.”
- k. SSUF 152 contains the same erroneous wording noted in SSUF 135 regarding the portal and living in clans. Also, the sentence “He is draining them of their powers by taking their magic into himself” should read: “He is draining them of their powers by taking their life force which tells him what kind of magic they have (BMR) magic which drains them of life force into himself (*Crave series*).”
- l. SSUF 155 erroneously includes the words “howl like a banshee.” Those should be deleted as they are not in BMR.
- m. SSUF 156 erroneously includes the sentence: “During this scene in both Works, the scenes end with a vampire killing a jealous girlfriend.” That sentence should be deleted.

- n. SSUF 157 should cite Professor Katherine Reiss's report, not Freeman's Declaration and indices.
- o. SSUF 159 should not include the words "fitful sleep" (those words were used in a different scene).
- p. SSUF 161 erroneously states that Brendan/Flint is "mortally" wounded. The word "mortally" should be deleted along with the sentence that "the heroine and her aunt try to save Brendan/Flint."
- q. SSUF 162 has many errors. Rather than try to correct it, Freeman withdraws this factual assertion for purposes of this motion.
- r. SSUF 166 should not include the words "a vortex which is"—those words should be deleted.

Dated: November 28, 2023  
Venice, CA

Respectfully submitted,

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